

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. 8415-CI of 2009 IN
RFA No. 4105 of 2006

Date of Decision: 23.7.2009

Mohammad Yusuf

....Appellant.

Versus

Land Acquisition Collector and others

...Respondents.

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.

PRESENT: Mr. S.P. Khatri, Advocate for the appellant.

Mr. Ashish Sharma, DAG, Haryana for the respondents.

AJAY KUMAR MITTAL, J.

This is an application under Section 151 of the Code of Civil Procedure for deciding the appeal in terms of the decision of this Court in RFA No. 431 of 2000 titled as “State of Haryana and others v. Jaipal and others” decided on 1.12.2008, being covered by it.

The landowner has approached this Court by way of instant regular first appeal for enhancement of the amount of compensation awarded by the reference court. Respondent-State of Haryana vide notifications dated 17.5.1990 issued under Section 4 of the Land Acquisition Act, 1894 (for short “the Act”) and dated 16.5.1991 under Section 6 of the Act had acquired 156.61 acres of land situated within the revenue estate of village Fazilpur, Tehsil and District Sonapat, for the public purpose, namely, development and utilization of land as residential and commercial area in Sector-12, Sonapat, under the Haryana Urban Development Authority Act, 1977. The reference court had awarded compensation at the rate of Rs.120/- per square yard for

the acquired land except for the land measuring 26.86 acres, which was assessed at Rs.100/- per square yard. Besides the aforesaid compensation, the landowner-claimant was held entitled to statutory benefits under the Act. Dissatisfied with the amount of compensation awarded by the reference court, the claimant has filed the instant appeal for enhancement of the compensation.

Earlier, the other claimants had approached this Court by way of RFA No. 431 of 2000 which was finally decided by this Court on 1.12.2008, holding that the landowners whose land is situated on Sonapat-Bahalgarh road upto a depth of 100 meters therefrom shall be entitled to compensation @ Rs.160/- per square yard, whereas the land owners whose land is situated behind that would be entitled to compensation @ Rs.135/- per square yard. The land owners shall also be entitled to all the statutory benefits as are available under the Act.

Learned counsel for the applicant-appellant has submitted that the present case is fully covered by the aforesaid decision.

Notice of this application was issued to the respondents. Learned State counsel does not dispute the same and fairly concedes that the present appeal is fully covered by the decision dated 1.12.2008 rendered by this Court in RFA No. 431 of 2000 and, therefore, may be disposed of in terms thereof.

In view of the above, the present appeal is disposed of in terms of the judgment dated 1.12.2008 passed in RFA No. 431 of 2000.

July 23, 2009
gbs

(AJAY KUMAR MITTAL)
JUDGE